

**23IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:	)	Chapter 11
	)	
IEH AUTO PARTS HOLDING, LLC, <i>et al.</i> , <sup>1</sup>	)	Case No. 23-90054
	)	
Debtors.	)	(Jointly Administered)
	)	

**LIMITED OBJECTION AND RESERVATION OF RIGHTS OF FISHER AUTO PARTS, INC. TO FIRST AMENDED COMBINED DISCLOSURE STATEMENT AND JOINT PLAN OF LIQUIDATION OF IEH AUTO PARTS HOLDING LLC AND ITS DEBTOR AFFILIATES PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE**

[Relates to Dkt Nos. 96 and 465]

Fisher Auto Parts, Inc. (“Fisher”), by counsel, for its *Limited Objection and Reservation of Rights of Fisher Auto Parts, Inc. to First Amended Combined Disclosure Statement And Joint Plan of Liquidation of IEH Auto Parts Holding LLC and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* (the “Objection”).<sup>2</sup> In support of the Objection, Fisher respectfully represents as follows:

**RELEVANT FACTS**

1. On January 31, 2023 (the “Petition Date”), the Debtors each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) thereby commencing their bankruptcy cases (collectively, the “Bankruptcy Case”).

<sup>1</sup> The Debtor entities in these chapter 11 cases, along with the last four digits of each Debtor entity's federal tax identification number, are: IEH Auto Parts Holding LLC (6529); AP Acquisition Company Clark LLC (4531); AP Acquisition Company Gordon LLC (5666); AP Acquisition Company Massachusetts LLC (7581); AP Acquisition Company Missouri LLC (7840); AP Acquisition Company New York LLC (7361); AP Acquisition Company North Carolina LLC (N/A); AP Acquisition Company Washington LLC (2773); Auto Plus Auto Sales LLC (6921); IEH AIM LLC (2233); IEH Auto Parts LLC (2066); IEH Auto Parts Puerto Rico, Inc. (4539); and IEH BA LLC (1428).

<sup>2</sup> All capitalized terms not herein defined shall have the meanings ascribed to them in the Bid Procedures.



2. On March 10, 2023, the Court entered the *Order Approving the Bid Procedures and Granting Related Relief* (the “Bid Procedures Order”)<sup>3</sup>, which approved the procedures that authorized the Debtors to sell all of substantially all of the Debtors assets (the “Bid Procedures”).

3. Pursuant to the Bid Procedures, Fisher submitted a bid and deposited not less than \$3,185,927 in cash with the Debtors (the “Fisher Deposit”).

4. On May 18, 2023, the day before the Sale Hearing, Debtors notified Fisher that the Debtors had determined that Fisher was not a Qualified Bidder.

5. To date, the Debtors have not returned the Fisher Deposit.

### **LIMITED OBJECTION**

6. Fisher files this Limited Objection in order to protect its interests, including, without limitation, its rights regarding the return of the Fisher Deposit.

7. Fisher’s rights are not specifically addressed in the *Debtor’s First Amended Combined Disclosure Statement and Joint Plan of Liquidation of IEH Auto Parts Holding LLC and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* the “Plan”), and certain proposed Plan provisions may purport to affect Fisher’s rights, such as the release provisions contained therein.<sup>4</sup> Thus, Fisher objects to the Plan, including, without limitation, the release provisions contained therein.<sup>5</sup>

### **RESERVATION OF RIGHTS**

Fisher expressly reserves its right to amend and/or supplement this Objection and any other related issues either by further submission to this Court, at oral argument or testimony to be presented at any hearing.

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<sup>3</sup> Dkt. No. 96.

<sup>4</sup> Dkt. No. 465.

<sup>5</sup> Contemporaneously with this Objection, Fisher is submitting a ballot rejecting the Plan and opting out of the Releases.

**PRAYER**

**WHEREFORE**, Fisher requests that the Court sustain this Objection, and grant Fisher such other and further relief as the Court deems proper, both at law and in equity.

**DATED:** May 26, 2023.

Respectfully submitted,

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*Counsel for Fisher Auto Parts, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of May, 2023, I caused a true and correct copy of the foregoing a true and correct copy of the foregoing has been served on all parties entitled to service via this Court's electronic filing system ("ECF").

/s/ Demetra Liggins

Demetra Liggins